

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 24

AN ACT

To repeal section 208.040, RSMo, and to enact in lieu thereof three new sections relating to nonmedical public assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 208.040, RSMo, is repealed and three new
2 sections enacted in lieu thereof, to be known as sections
3 208.026, 208.040, and 208.244, to read as follows:

4 208.026. 1. Sections 208.026, 208.040, and 208.244 shall
5 be known and may be cited as the "Strengthening Missouri Families
6 Act".

7 2. For the purposes of this section and sections 208.040
8 and 208.244, "work activities" shall have the same meaning as
9 defined in 42 U.S.C. Section 607(d), including:

10 (1) Unsubsidized employment;

11 (2) Subsidized private sector employment;

12 (3) Subsidized public sector employment;

13 (4) Work experience, including work associated with
14 refurbishing of publicly assisted housing, if sufficient private
15 sector employment is not available;

16 (5) On-the-job training;

1 (6) Job search and job readiness assistance;

2 (7) Community service programs;

3 (8) Vocational educational training, provided that such
4 training does not exceed twelve months for any individual;

5 (9) Job skills training directly related to employment;

6 (10) Education directly related to employment for
7 individuals who have not received a high school diploma or
8 certificate of high school equivalency;

9 (11) Satisfactory attendance at a secondary school,
10 provided that the individual has not already completed secondary
11 school; and

12 (12) Provision of child care services to an individual who
13 is participating in a community service program.

14 3. Beginning January 1, 2016, any parent or caretaker
15 seeking assistance under the temporary assistance for needy
16 families program shall engage in work activities before becoming
17 eligible for benefits, unless such individual is otherwise exempt
18 from the work requirement.

19 4. If after an investigation the department determines that
20 a person is not cooperating with a work activity requirement
21 under the temporary assistance for needy families program, a
22 representative of the department shall meet face-to-face with the
23 person to explain the potential sanction and the requirements to
24 cure the sanction. After the meeting, the person shall have six
25 weeks to comply with the work activity requirement, during which
26 time no sanction of benefits shall occur. If the person does not
27 comply with the work activity requirement within that six-week
28 period, the department shall immediately apply a sanction

1 terminating fifty percent of the amount of temporary assistance
2 benefits to or for the person and the person's family for a
3 maximum of ten weeks. During that period of sanctions, the
4 person shall remain on the caseload in sanction status. To cure
5 a sanction, the person shall perform work activities for at least
6 a minimum average of thirty hours per week for one month, as
7 described in 45 CFR 261.31(d). If the person does not cure the
8 sanction, the case shall be closed.

9 5. To return to the temporary assistance for needy families
10 benefits program after having been sanctioned off the caseload
11 under subsection 4 of this section, the person shall complete
12 work activities for a minimum average of thirty hours per week
13 within one month of the temporary assistance eligibility
14 interview.

15 6. This section does not prohibit the state from providing
16 child care or any other related social or support services for a
17 person who is eligible for financial assistance but to whom that
18 assistance is not paid because of the person's failure to
19 cooperate with the work activity.

20 7. The department shall promulgate rules to implement this
21 section including procedures to determine whether a person has
22 cooperated with the requirements of the work activity and
23 procedures for notification of a caretaker relative, second
24 parent, or payee receiving the financial assistance on behalf of
25 the person's family unit. Any rule or portion of a rule, as that
26 term is defined in section 536.010 that is created under the
27 authority delegated in this section shall become effective only
28 if it complies with and is subject to all of the provisions of

1 chapter 536, and, if applicable, section 536.028. This section
2 and chapter 536 are nonseverable and if any of the powers vested
3 with the general assembly pursuant to chapter 536, to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2015,
7 shall be invalid and void.

8 208.040. 1. Temporary assistance benefits shall be granted
9 on behalf of a dependent child or children and may be granted to
10 the parents or other needy eligible relative caring for a
11 dependent child or children who:

12 (1) Is under the age of eighteen years; or is under the age
13 of nineteen years and a full-time student in a secondary school
14 (or at the equivalent level of vocational or technical training),
15 if before the child attains the age of nineteen the child may
16 reasonably be expected to complete the program of the secondary
17 school (or vocational or technical training);

18 (2) Has been deprived of parental support or care by reason
19 of the death, continued absence from the home, or physical or
20 mental incapacity of a parent, and who is living with father,
21 mother, grandfather, grandmother, brother, sister, stepfather,
22 stepmother, stepbrother, stepsister, uncle, aunt, first cousin,
23 nephew or niece, in a place of residence maintained by one or
24 more of such relatives as the child's own home, and financial aid
25 for such child is necessary to save the child from neglect and to
26 secure for the child proper care in such home. Physical or
27 mental incapacity shall be certified to by competent medical or
28 other appropriate authority designated by the family support

1 division, and such certificate is hereby declared to be competent
2 evidence in any proceedings concerning the eligibility of such
3 claimant to receive temporary assistance benefits. Benefits may
4 be granted and continued for this reason only while it is the
5 judgment of the family support division that a physical or mental
6 defect, illness or disability exists which prevents the parent
7 from performing any gainful work;

8 (3) Is not receiving supplemental aid to the blind, blind
9 pension, supplemental payments, or aid or public relief as an
10 unemployable person;

11 (4) Is a resident of the state of Missouri.

12 2. The family support division shall require as additional
13 conditions of eligibility for benefits that each applicant for or
14 recipient of assistance:

15 (1) Shall furnish to the division the applicant's or
16 recipient's Social Security number or numbers, if the applicant
17 or recipient has more than one such number;

18 (2) Shall assign to the family support division in behalf
19 of the state any rights to support from any other person such
20 applicant may have in the applicant's own behalf or in behalf of
21 any other person for whom the applicant is applying for or
22 receiving assistance. An application for benefits made under
23 this section shall constitute an assignment of support rights
24 which shall take effect, by operation of law, upon a
25 determination that the applicant is eligible for assistance under
26 this section. The assignment shall comply with the requirements
27 of 42 U.S.C. Section 608(a)(3) and authorizes the family support
28 division of the department of social services to bring any

1 administrative or judicial action to establish or enforce a
2 current support obligation, to collect support arrearages accrued
3 under an existing order for support, or to seek reimbursement of
4 support provided by the division;

5 (3) Shall cooperate with the family support division unless
6 the division determines in accordance with federally prescribed
7 standards that such cooperation is contrary to the best interests
8 of the child on whose behalf assistance is claimed or to the
9 caretaker of such child, in establishing the paternity of a child
10 born out of wedlock with respect to whom assistance is claimed,
11 and in obtaining support payments for such applicant and for a
12 child with respect to whom such assistance is claimed, or in
13 obtaining any other payments or property due such applicant or
14 such child. The family support division shall impose all
15 penalties allowed pursuant to federal participation requirements;

16 (4) Shall cooperate with the department of social services
17 in identifying and providing information to assist the state in
18 pursuing any third party who may be liable to pay for care and
19 services available under the state's plan for medical assistance
20 as provided in section 208.152, unless such individual has good
21 cause for refusing to cooperate as determined by the department
22 of social services in accordance with federally prescribed
23 standards; and

24 (5) Shall participate in any program designed to reduce the
25 recipient's dependence on welfare, if requested to do so by the
26 department of social services.

27 3. The division shall require as a condition of eligibility
28 for temporary assistance benefits that a minor child under the

1 age of eighteen who has never married and who has a dependent
2 child in his or her care, or who is pregnant and otherwise
3 eligible for temporary assistance benefits, shall reside in a
4 place of residence maintained by a parent, legal guardian, or
5 other adult relative or in some other adult-supervised supportive
6 living arrangement, as required by Section 403 of P.L. 100-485.
7 Exceptions to the requirements of this subsection shall be
8 allowed in accordance with requirements of the federal Family
9 Support Act of 1988 in any of the following circumstances:

10 (1) The individual has no parent or legal guardian who is
11 living or the whereabouts of the individual's parent or legal
12 guardian is unknown; or

13 (2) The family support division determines that the
14 physical health or safety of the individual or the child of the
15 individual would be jeopardized; or

16 (3) The individual has lived apart from any parent or legal
17 guardian for a period of at least one year prior to the birth of
18 the child or applying for benefits; or

19 (4) The individual claims to be or to have been the victim
20 of abuse while residing in the home where she would be required
21 to reside and the case has been referred to the child abuse
22 hotline and a "reason to suspect finding" has been made.

23 Households where the individual resides with a parent, legal
24 guardian or other adult relative or in some other
25 adult-supervised supportive living arrangement shall, subject to
26 federal waiver to retain full federal financial participation and
27 appropriation, have earned income disregarded from eligibility
28 determinations up to one hundred percent of the federal poverty

1 level.

2 4. If the relative with whom a child is living is found to
3 be ineligible because of refusal to cooperate as required in
4 subdivision (3) of subsection 2 of this section, any assistance
5 for which such child is eligible will be paid in the manner
6 provided in subsection 2 of section 208.180, without regard to
7 subsections 1 and 2 of this section.

8 5. The department of social services may implement policies
9 designed to reduce a family's dependence on welfare. The
10 department of social services is authorized to implement these
11 policies by rule promulgated pursuant to section 660.017 and
12 chapter 536, including the following:

13 (1) The department shall increase the earned income and
14 resource disregards allowed recipients to help families achieve a
15 gradual transition to self-sufficiency, including implementing
16 policies to simplify employment-related eligibility standards by
17 increasing the earned income disregard to two-thirds by October
18 1, 1999. The expanded earned income disregard shall apply only
19 to recipients of cash assistance who obtain employment but not to
20 new applicants for cash assistance who are already working. Once
21 the individual has received the two-thirds disregard for twelve
22 months, the individual would not be eligible for the two-thirds
23 disregard until the individual has not received temporary
24 assistance benefits for twelve consecutive months. The
25 department shall promulgate rules pursuant to chapter 536 to
26 implement the expanded earned income disregard provisions;

27 (2) The department shall permit a recipient's enrollment in
28 educational programs beyond secondary education to qualify as a

1 work activity for purposes of receipt of temporary assistance for
2 needy families. Such education beyond secondary education shall
3 qualify as a work activity if such recipient is attending and
4 according to the standards of the institution and the family
5 support division, making satisfactory progress towards completion
6 of a postsecondary or vocational program. Weekly classroom time
7 and allowable study time shall be applied toward the recipient's
8 weekly work requirement. Such recipient shall be subject to the
9 ~~[sixty-month]~~ forty-eight-month lifetime limit for receipt of
10 temporary assistance for needy families unless otherwise excluded
11 by rule of the family support division;

12 (3) Beginning January 1, 2002, and every two years
13 thereafter, the department of social services shall make a
14 detailed report and a presentation on the temporary assistance
15 for needy families program to the house appropriations for social
16 services committee and the house social services, Medicaid and
17 the elderly committee, and the senate aging, families and mental
18 health committee, or comparable committees;

19 (4) Other policies designed to reduce a family's dependence
20 on welfare may include supplementing wages for recipients for the
21 lesser of forty-eight months or the length of the recipient's
22 employment by diverting the temporary assistance grant;

23 (5) Beginning January 1, 2016, the life-time limit for
24 temporary assistance for needy families shall be forty-eight
25 months. The life-time limit shall not apply to the exceptions
26 set forth in 42 U.S.C. Section 608(a)(7), including but not
27 limited to:

28 (a) Any assistance provided with respect to and during the

1 time in which the individual was a minor child, provided that the
2 minor child was not the head of a household or married to the
3 head of a household; and

4 (b) Any family to which the state has granted an exemption
5 for reasons of hardship or if the family includes an individual
6 who has been battered or subjected to extreme cruelty, provided
7 that the average monthly number of such families in a fiscal year
8 shall not exceed twenty percent of the average monthly number of
9 families to which temporary assistance for needy families is
10 provided during the fiscal year or the immediately preceding
11 fiscal year.

12
13 The provisions of this subdivision shall not apply to persons
14 obtaining assistance under subdivision (6) of this subsection;
15 and

16 (6) Beginning January 1, 2016, the department shall
17 implement a cash diversion program that grants eligible temporary
18 assistance for needy family benefits recipients lump-sum cash
19 grants for short-term needs, as well as job referrals or
20 referrals to career centers, in lieu of signing up for the long-
21 term monthly cash assistance program upon a showing of good cause
22 as determined by the department. Such lump sum grants shall be
23 available for use once in a twelve-month period and only five
24 instances in a lifetime. Good cause may include loss of
25 employment, excluding a voluntary quit or dismissal due to poor
26 job performance or failure to meet a condition of employment;
27 catastrophic illness or accident of a family member that requires
28 an employed recipient to leave employment; a victim of domestic

1 violence; or another situation or emergency that renders an
2 employed family member unable to care for the basic needs of the
3 family. The department shall promulgate rules determining the
4 parameters for the diversion program, including good cause
5 determinations, and shall set the lump-sum maximum limit at three
6 times the family size allowance and for use once in a twelve-
7 month period and only five instances in a lifetime.

8
9 The provisions of this subsection shall be subject to compliance
10 by the department with all applicable federal laws and rules
11 regarding temporary assistance for needy families.

12 6. The work history requirements and definition of
13 unemployed shall not apply to any parents in order for these
14 parents to be eligible for assistance pursuant to section
15 208.041.

16 7. The department shall continue to apply uniform standards
17 of eligibility and benefits, excepting pilot projects, in all
18 political subdivisions of the state.

19 8. Consistent with federal law, the department shall
20 establish income and resource eligibility requirements that are
21 no more restrictive than its July 16, 1996, income and resource
22 eligibility requirements in determining eligibility for temporary
23 assistance benefits.

24 208.244. 1. Beginning January 1, 2016, the waiver of the
25 work requirement for the supplemental nutrition assistance
26 program under subsection (o) of 7 U.S.C. Section 2015 shall no
27 longer apply to individuals seeking benefits in this state. The
28 provisions of this subsection shall terminate on January 1, 2019.

1 2. Any ongoing savings resulting from a reduction in state
2 expenditures due to modification of the supplemental nutrition
3 assistance program under this section or the temporary assistance
4 for needy families programs under sections 208.026 and 208.040
5 effective on August 28, 2015, subject to appropriations, shall be
6 used to provide child care assistance for single parent
7 households, education assistance, transportation assistance, and
8 job training for individuals receiving benefits under such
9 programs as allowable under applicable state and federal law.

10 3. The department shall make an annual report to the joint
11 committee on government accountability on the progress of
12 implementation of sections 208.026 and 208.040, including
13 information on enrollment, demographics, work participation, and
14 changes to specific policies. The joint committee shall meet at
15 least once a year to review the department's report and shall
16 make recommendations to the president pro tempore of the senate
17 and the speaker of the house of representatives.